

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	CASE NO. 1:02-CV-352
	:	
V.	:	
	:	
REAL PROPERTY KNOWN AND	:	JUDGE BECKWITH
NUMBERED AS 6016 RIDGEACRES	:	
DRIVE, UNIT C-4, AKA 6101 B	:	
RIDGEACRES DRIVE, CINCINNATI,	:	
HAMILTON COUNTY, OHIO, WITH ALL	:	M. JUDGE PERLEMAN
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, ET.AL.	:	
DEFENDANTS.	:	

Rule 26(f) Report of the Parties

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by telephone on April 6, 2004 and was attended by:

Kathleen M. Brinkman Counsel for Plaintiff United States of America

Eric L. Emerson Counsel for Claimant Mary Calloway

2. The parties:

_____ have exchanged the discovery disclosure required by Rule 26(a)(1);
_____ will exchange such disclosures by _____;
_____ are exempt from disclosure under Rule 26(a)(1)(E); and/or
 x have agreed not to make initial disclosures.

3. The parties:

_____ unanimously consent to the jurisdiction of, and entry of judgment by, the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c); and/or
 x do not unanimously consent to the jurisdiction of and entry of judgment by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)

4. Recommended cut-off date for filing any motion to amend the pleadings and/or add additional parties: May 21, 2004.

5. Is the case appropriate for mediation after a limited discovery period? No
Will the parties request services of a court mediator? No
Has a settlement demand been made? Yes, by the United States
Date by which a settlement demand can be made? N/A
Date by which a response can be made to a settlement demand? Already rejected by claimant.

6. Recommended Discovery Plan:

a. Describe the subjects on which discovery is to be sought and the nature and extent of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial:

The United States seeks to depose the claimant Mary Calloway about her acquisition and use of the defendant real property.

The claimant Mary Calloway seeks to depose the arresting officers, informants, and undercover officers who have facts related to the claimant's sale of controlled substances concerning the defendant real property.

b. What changes should be made, if any, in the limitations on discovery imposed under the Fed. R. Civ. P. or the S.D. Ohio Civ. Rules, including the limitations to twenty-five (25) interrogatories, forty (40) requests for admissions, and the limitation of ten (10) depositions, each lasting no more than one seven hour day? None

c. Additional recommended limitations on expansions of discovery: None

d. Describe the areas for which expert testimony is expected and indicate whether each expert will be specifically retained within the meaning of Fed. R. Civ. P. 26(a)(f): None

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- e. Recommended date for identifying primary experts: _____ N/A _____
 - f. Recommended date for producing primary expert reports: _____ N/A _____
 - g. Recommended date for identifying rebuttal experts: _____ N/A _____
 - h. Recommended date for producing rebuttal expert reports: _____ N/A _____
 - i. Recommended discovery cut-off date: August 6, 2004
- 7. Recommended dispositive motion deadline: October 1, 2004
 - 8. Recommended date for final pretrial conference: February 4, 2005
(At least four months after dispositive motion deadline)
 - 9. Recommended date for trial: March-April, 2005
(At least one month after final pretrial conference)
 - 10. Other matters for the attention of the Court:

The Rule 26(f) Report and, consequently, discovery, dispositive motions, and trial in this case were delayed because Magistrate Judge Jack Sherman, Jr. was unable for a substantial period of time to find counsel to represent the claimant pro bono. Current counsel generously agreed to represent her. The case has also been delayed through no fault of counsel because the claimant has a serious medical condition and her treatment slowed progress in the case. The parties have attempted to settle the case without success.

SIGNATURES:

Attorney for Plaintiff:

Attorney for Claimant Mary Calloway:

GREGORY G. LOCKHART
United States Attorney

/s/ Kathleen M. Brinkman
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